

Nancy Curry  
Chapter 13 Standing Trustee  
1000 Wilshire Blvd., Suite 870  
Los Angeles, CA 90017  
(213) 689-3014 FAX (213) 689-3055

UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA LOS ANGELES DIVISION	
<b>In re</b>  STEWART, YVONNE G  Debtor	<b>CHAPTER 13</b>  <b>CASE NO. 2:17-bk-12185-VZ</b>  <b>NOTICE AND TRUSTEE'S MOTION TO DISMISS OR CONVERT CHAPTER 13 CASE BECAUSE OF DELINQUENT PLAN PAYMENTS PURSUANT TO 11 U.S.C. §1307(c)(1)</b>  <b>DATE/TIME: January 7, 2019 at 10:30 am</b> <b>Courtroom: 1368</b> <b>255 East Temple Street</b> <b>Los Angeles, CA 90012</b>

**PLEASE TAKE NOTICE** that Nancy Curry, Chapter 13 Trustee, will and hereby does move the Court to dismiss or convert this case.

Pursuant to Local Bankruptcy Rule 9013-1(f) and (h), any party in interest wishing to oppose this motion must file and serve opposition papers no later than fourteen (14) days prior to the hearing date. Failure to file a written opposition may be deemed by the Court as a waiver of any objection thereto and as consent to the relief requested.

DATED: October 3, 2018

/s/ Nancy Curry

I, Nancy Curry, declare as follows:

1. I am the Trustee in this matter and I have personal knowledge of files and records kept by my office in the regular course of business. I have personally reviewed the files and records kept by my office in the within case. The following facts are true and correct and within my own personal knowledge and I could and would testify competently thereto if called upon to do so.
2. I recommend that the Court dismiss this case because the Debtor has failed to tender all payments required by the confirmed plan as evidenced by the attached receipt history which is incorporated herein by reference, 11 USC § 1307(c)(i), LBR 3015-1(k).

I declare under penalty of perjury that the foregoing is true and correct. Executed at Los Angeles, California on October 3, 2018.

/s/Nancy Curry

1712185-VZ

STEWART, YVONNE G

PO BOX 18259 Atty: TATE C. CASEY 41 Rmng of 60 Mos.  
 LOS ANGELES CA 90018 Payment: \$831.23 Per M  
 First Pmt Date 03/26/2017 Delinquent \$3,305.36

Graduated Payment Plan					
Months	1	Thru	12	\$997.95	Per Month = \$11,975.40
Months	13	Thru	60	\$831.23	Per Month = \$39,899.04

Check	Batch Id	Date	Amount Paid	Src	Type	Description	Employer
798092	18080045	08/20/2018	\$838.00	3	Cashiers Check		
488432	18050015	05/07/2018	\$833.00	3	Cashiers Check		
536286	18040022	04/10/2018	\$340.00	3	Cashiers Check		
536275	18040022	04/10/2018	\$500.00	3	Cashiers Check		
955290	18030020	03/09/2018	\$998.00	3	Cashiers Check		
955301	18030020	03/09/2018	\$998.00	3	Cashiers Check		
371868	18030014	03/06/2018	\$500.00	3	Cashiers Check		
371879	18030014	03/06/2018	\$498.00	3	Cashiers Check		
741813	18030009	03/05/2018	\$498.00	3	Cashiers Check		
741802	18030009	03/05/2018	\$500.00	3	Cashiers Check		
370120	18020022	02/09/2018	\$497.95	3	Cashiers Check		
370119	18020022	02/09/2018	\$500.00	3	Cashiers Check		
249017	17120020	12/11/2017	\$997.95	3	Cashiers Check		
161784	17100015	10/06/2017	\$997.95	3	Cashiers Check		
296430	17090042	09/21/2017	\$997.95	3	Cashiers Check		
386513	17080014	08/07/2017	\$1,000.00	3	Cashiers Check		
260473	17060063	06/28/2017	\$997.95	3	Cashiers Check		
032860	17050014	05/04/2017	\$997.95	2	Money Order		
323977	17040015	04/07/2017	\$500.00	3	Cashiers Check		
323988	17040015	04/07/2017	\$497.95	3	Cashiers Check		
Total			\$14,488.65				

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

Nancy Curry, Chapter 13 Trustee  
1000 Wilshire Blvd., Suite 870  
Los Angeles, CA 90017

A true and correct copy of the foregoing document entitled (specify): **NOTICE AND MOTION TO DISMISS OR CONVERT CHAPTER 13 CASE** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On October 3, 2018, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On October 3, 2018, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addresses as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Debtor STEWART, YVONNE G  
PO BOX 18259  
LOS ANGELES, CA 90018  
Attorney for Debtor  
TATE C. CASEY  
LAW OFFICES OF DON E. SOMERVILLE  
26872 CALLE HERMOSA  
CAPITSTRANO BEACH, CA 92624-

Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FAXSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on October 3, 2018, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

□ Service information continued on attached page

I declare under penalty of perjury under laws of the United States that the foregoing is true and correct.

October 3, 2018 Heather Pedroza /s/ Heather Pedroza  
Date Printed Name Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

June 2012

### **F 9013-3.1.PROOF.SERVICE**

STEWART, YVONNE G

PO BOX 18259  
LOS ANGELES, CA 90018

TATE C. CASEY  
LAW OFFICES OF DON E. SOMERVILLE  
26872 CALLE HERMOSA  
CAPITSTRANO BEACH, CA 92624